

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In Re: W.R. Grace & Co., et al.,

DEBTORS,

MRS. JACKIE LEWIS, BONNIE LEWIS and  
THOMAS LEWIS, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

W.R. GRACE & COMPANY (a Delaware  
Corporation); W.R. GRACE & COMPANY-  
CONN (a Connecticut Corporation); W.R. GRACE  
& COL., a/k/a/ GRACE, an association of business  
entities; and SEALED AIR CORPORATION (a  
Delaware Corporation), NATIONAL MEDICAL  
CARE, INC.; FRESENIUS A.G.; FRESENIUS  
U.S.A., INC. and FRESENIUS NATIONAL  
MEDICAL CARE, INC., a/k/a FRESENIUS  
MEDICAL CARE HOLDINGS, INC.,

Defendants.

)  
) CHAPTER 11  
)  
) BANKRUPTCY NO. 01-01139 (JJF)  
) (Jointly Administered)

**DECLARATION OF ATTORNEY FABRICE N. VINCENT IN SUPPORT OF  
ZONOLITE PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

FABRICE N. VINCENT, makes the following declaration:

1. My name is Fabrice N. Vincent. I am over the age of 18 and am competent to testify to Court. I am a partner at Lieff, Cabraser, Heimann & Bernstein, LLP and one of the attorneys working for Class Representatives Paul Price, John Prebil and Margery Prebil. I am also counsel of record in the *Barbanti* and *Price* action (MDL 1376), both currently stayed by virtue of the bankruptcy proceedings. This declaration is made based on my own personal knowledge and/or belief.

2. Attached hereto as Exhibit A is a true and correct copy of the Order Granting Plaintiffs' Motion for Class Certification Pursuant to CR 23(b)(2) filed on December 19, 2000, in the *Barbanti v. W.R. Grace, et al.* (Spokane Co. Case No. 00-2011756-6) Washington state class action.

3. Attached hereto as Exhibit B is a true and correct copy of an EPA website page providing questions and answers about asbestos and the EPA's Libby investigation. This page was found at <http://www.epa.gov/region8/superfund/libby/qverm-home2.html> on November 9, 2001.

4. Attached hereto as Exhibit C is a true and correct copy of a publication entitled "Asbestos in Vermiculite Insulation," published by the United States EPA Office of Pollution Prevention and Toxics (December 29, 2000).

5. Attached hereto as Exhibit D is a true and correct copy of the United States Department of Justice's *Response to Debtors' Motion for Entry of Case Management Order, Motion to Establish Bar Date, Motion to Approve Claim Form, and Motion to Approve Notice Program* dated July 12, 2001.

6. Attached hereto as Exhibit E is a true and correct copy of a letter dated August 1, 2000, from Hugh Sloan, United States Public Health Service Assistant Surgeon General, to Linda Rosenstock, Director of the National Institute for Occupational Safety & Health regarding Libby, Montana vermiculite.

7. Attached hereto as Exhibit F is a true and correct copy of the February 2, 2001, Agency for Toxic Substances and Disease Registry Preliminary Findings.

8. Attached hereto as Exhibit G is a true and correct copy of a Zonolite Attic Insulation advertisement.

9. Attached hereto as Exhibit H is a true and correct copy of a Zonolite Attic Insulation advertisement.

10. Attached hereto as Exhibit I is a true and correct copy of an internal W.R. Grace, Cambridge Division, memorandum dated May 24, 1977.

11. Attached hereto as Exhibit J is a true and correct copy of a March 11, 1969 internal W.R. Grace, Cambridge Division, memorandum regarding the Washington Safety Report and a March 31, 1969, W.R. Grace memorandum referencing the same.

12. Attached hereto as Exhibit K is a true and correct copy of the firm resume of Lieff, Cabraser, Heimann & Bernstein, LLP.

13. Attached hereto as Exhibit L is a true and correct copy of *Debtors' Motion For Leave to File Omnibus Reply to Various Objections to the Debtors' Motion for Entry*

*of Case Management Order, Establishment of a Bar Date, Approval of the Proof of Claim Forms and Approval of the Notice Program (Re: Docket No. 545) dated November 9, 2001.*

14. Attached hereto is a true and correct copy of the Declaration of Attorney Richard S. Lewis and attached exhibits earlier filed in the District of Massachusetts before the Honorable Patti B. Saris in support of the *Price* MDL 1376 action and *Price* motion for class certification, dated January 19, 2001. Plaintiffs hereby incorporate by reference all of the facts, exhibits and testimony included as attachments to the Lewis Declaration. The *Price* action was fully briefed by all parties prior to W.R. Grace's bankruptcy filing and W.R. Grace was earlier served with the Lewis Declaration and its exhibits in that action.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Dated: November 15, 2001



Fabrice N. Vincent

**EXHIBIT A**